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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREGORY P. CLARKE,	:	CIVIL NO. 1:CV-01-0738
	:	
Petitioner	:	(Judge Caldwell)
v.	:	
	:	(Magistrate Judge Smyser)
IMMIGRATION AND NATURALIZATION	:	
SERVICE,	:	
	:	
Respondent	:	

FILED  
HARRISBURG, PA

JUN 19 2001

ORDER

MARY E. D'ANDREA, CLERK  
PER 978 DEPUTY CLERK

The petitioner, an alien in the custody of the Immigration and Naturalization Service (INS), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the United States District Court for the District of Massachusetts. On April 27, 2001, the case was transferred to this court. The petitioner claims that his detention is unconstitutional.

By an Order dated May 7, 2001, the respondent was ordered to show cause on or before May 28, 2001, why the petitioner should not be granted habeas corpus relief. The Order of May 7, 2001, also provided that the petitioner may file a reply to the response within 10 days of the filing of the response. In addition, the Order of May 7, 2001, provided

that all documents filed by the parties and by the court shall be served upon the United States Attorney.


On May 14, 2001, the petitioner filed a letter requesting that counsel be appointed to represent him in this case. On May 16, 2001, the petitioner filed a motion to stay the order of removal against him and a brief in support of his petition for habeas corpus relief. None of these three documents contained a certificate of service indicating that they were served on the United States Attorney.

On May 21, 2001, the respondent filed a brief opposing the petition for a writ of habeas corpus and documents in support of its opposition.

On May 31, 2001, the petitioner filed a document entitled "Petitioner's Brief to Support the Petition for a writ of Habeas Corpus" and documents in support of that brief. Again, these documents do not contain a certificate of service indicating that they were served on the United States Attorney.

We will strike from the record the documents that the petitioner filed that he has not served on the United States Attorney.

AND NOW, this *19<sup>th</sup>* day of June, 2001, IT IS HEREBY ORDERED  
that documents numbered 3,4,5,9 & 10 are STRICKEN FROM THE  
RECORD.

  
\_\_\_\_\_  
J. Andrew Smyser  
Magistrate Judge

Dated: *June 19, 2001.*

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

June 19, 2001

Re: 1:01-cv-00738 Clarke v. Immigration & Natur

True and correct copies of the attached were mailed by the clerk  
to the following:

Gregory P. Clarke  
CTY-PIKE  
A 401-62-479  
HC 8, Box 8601  
Hawley, PA 18428-8610

Kate L. Mershimer, Esq.  
U.S. Attorneys Office  
Room 217, Federal Bldg.  
228 Walnut St.  
Harrisburg, Pa 17108

David Barasch  
United States Attorney's Office  
Room 217, Federal Building & Court House  
228 Walnut Street  
Harrisburg, PA 17108

cc:

Judge	( )	( ) Pro Se Law Clerk
Magistrate Judge	( )	( ) INS
U.S. Marshal	( )	( ) Jury Clerk
Probation	( )	
U.S. Attorney	( )	
Atty. for Deft.	( )	
Defendant	( )	
Warden	( )	
Bureau of Prisons	( )	
Ct Reporter	( )	
Ctroom Deputy	( )	
Orig-Security	( )	
Federal Public Defender	( )	
Summons Issued	( )	with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )	
Order to Show Cause	( )	with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( )

Bankruptcy Court ( )  
Other ( )


DA of County ( ) Respondents ( )

MARY E. D'ANDREA, Clerk

DATE:

6-19-01

BY:

  
Deputy Clerk